

Petition to delist hazardous waste open for comment

We want to hear from you

Ecology invites your comments on a facility's petition to change how they manage some of their waste. Sandvik Special Metals LLC (Sandvik), a metal tube manufacturing facility in Kennewick, creates a type of waste that state and federal law currently consider to be a "listed" hazardous waste. Sandvik has collected data showing that their waste, called wastewater treatment sludge or "filter cake," does not contain enough harmful chemicals to be considered dangerous.

Earlier this year, Sandvik submitted a petition to Ecology and the EPA that would allow them to handle their waste as solid waste instead of hazardous waste. This means they would be allowed to dispose their filter cake waste in a solid waste landfill. This process is called delisting.

You can comment on their petition and Ecology's tentative decision to approve it. We will consider and respond to all comments before approving the delisting petition.

Ecology's Hazardous Waste and Toxics Reduction Program has tentatively decided to grant Sandvik's formal petition.

What's in the petition?

Sandvik's petition includes their data showing that there are no harmful chemicals in their waste. The petition requests exemption (delisting) of up to 1,500 cubic yards of F006 wastewater treatment sludge per year from the requirements of the state's dangerous waste regulations. Sandvik will be allowed to land-dispose of the filter cake waste in a RCRA Subtitle D permitted landfill.

How does Ecology make its decision?

The process for delisting these wastes is a two-step process. First, EPA must grant the petition through a formal Federal Register rulemaking. Then, Ecology must grant the petition by considering both the information required by EPA and additional information that addresses separate state criteria. EPA is currently publishing the notice to grant the petition. Ecology has reviewed all information submitted as part of the petition and is tentatively approving the petition.

Background

Sandvik fabricates specialty titanium and zirconium tubing for the aeronautical, medical, and nuclear industries. On April 20, 2018, Sandvik petitioned EPA to exclude an annual volume of up to 1,500 cubic yards of F006 wastewater treatment sludge, or filter cake waste material, from the list of hazardous wastes contained in the Resource Conservation and Recovery Act (RCRA) rules.

The filter cake waste material that is the subject of this delisting action is the combined end waste from Sandvik's on-site wastewater treatment facility (WWTF) that manages F006 chemical etching wastes, and a separate coolant process waste stream associated with their manufacturing process. The listing definition for

Comments Accepted

Sept. 12 – Oct. 12, 2018

Submit comments online

<http://wt.ecology.commentinput.com/?id=SMUdD>

Contact information

Jim Pearson

509-457-7142

james.pearson@ecy.wa.gov

Special accommodations

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-6700 or visit ecology.wa.gov/accessibility. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

this type of waste states that the source include:

Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. (40 C.F.R. § 261.31)

The EPA clarified the scope of EPA Hazardous Waste No. F006 and established that:

The F006 listing is (and always has been) therefore, inclusive of wastewater treatment sludges from only the following processes: (1) Common and precious metals electroplating, except tin, zinc (segregated basis), aluminum, and zinc-aluminum plating on carbon steel; (2) anodizing, except sulfuric acid anodizing of aluminum; (3) chemical etching and milling, except when performed on aluminum; and (4) cleaning and stripping, except when associated with tin, zinc, and aluminum plating on carbon steel. (51 FR 43350 (December 2, 1986))

Because the Sandvik production process results in generation of the candidate WWTF sludge from chemical etching, other than that performed on aluminum, Sandvik's WWTF sludge meets the technical definition of F006 listed waste.

How delisting works

Because EPA is proposing to issue this exclusion under the federal RCRA delisting regulations, only states subject to federal RCRA delisting provisions will be affected. This exclusion may not be effective in states that have received authorization from the EPA to make their own delisting decisions.

EPA's notice can be found at:
<https://www.federalregister.gov/>

While Ecology has received final authorization to implement most of its dangerous waste program regulations in lieu of the federal program, including the listing and identification of F006 wastes, it has not been authorized to implement its delisting regulations program in lieu of the federal program. The EPA notes that Ecology has provisions in the state's dangerous waste regulations that are similar to the federal provisions upon which this delisting is based. These provisions are in effect as a matter of state law. Thus, Sandvik must seek approval from Washington State at the state level in addition to EPA's proposed delisting.

Ecology is proposing to allow the exclusion, as proposed by Sandvik, pending approval by EPA after publication in the Federal Register and subsequent revisions resulting from public comment. After delisting, Sandvik will be required to meet annual verification testing of the waste and other conditions, as outlined in EPA's notice of proposed delisting.

State-only criteria

Washington state dangerous waste regulations are more protective in some ways than the federal hazardous waste regulations. One manner where Washington is more protective is determining what materials are regulated as dangerous waste. Washington has criteria for toxicity and persistence that EPA does not. Materials not regulated as hazardous waste by the federal regulations must also be checked against the state criteria.

In this instance, EPA's delisting of the filter cake waste means the waste is not federally regulated as hazardous waste. Thus, Sandvik must determine if the waste is regulated under state criteria. Sandvik has provided data and information demonstrating that the filter cake waste is not regulated by the state criteria. Ecology's agreement that the waste is not regulated by the state criteria allows the filter cake waste to be disposed in a permitted solid waste landfill, as Sandvik proposes.